S.B.CIVIL WRIT PETITION NO.2048/1995

Smt. Sunder Solanki vs. State of Rajasthan & Ors.

DATE OF ORDER :: 19th April, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.L. Jain, for the petitioner.
Mr. S.S.Ladrecha, Additional Government Advocate.

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By this petition for writ the petitioner has claimed for promotion as LDC from the Cadre of Class IV employees. The petitioner entered in Class IV cadre service of the Government of Rajasthan on 16.1.1978 and also acquired the certificate of "Prathama" from Hindi Sahitya Sammellan, Allahabad in the year 1985. It is stated in petition for writ that the petitioner is eligible to be promoted as Lower Division Clerk being having five years experience in Class IV cadre and also being possessing qualification equivalent to High School or Secondary School Examination.

I do not find any merit in the petition for writ as according to the petitioner herself she acquired the qualification of "Prathama" on 9.10.1985 and this Court in the case of Heeralal Ninama Vs. State of Rajasthan & Anr. while dealing with the same issue held as under:

> "The petitioner is having the qualification of "Prathama" from Hindi Sahitya Sammellan but not any of the qualification prescribed under Rule 12 of the Rules of 1957. It is pertinent to note that prior to 28.6.1985 an incumbent having the qualification of "Prathama" was also treated eligible to be recruited as Lower Division Clerk, however, the aforesaid qualification was deleted from the eligibility clause under a notification No.F.3(53) DOP/A-II/84 dated 5.12.1987. The petitioner after 28.6.1985 is not having the qualification to be considered for appointment as Lower Division Clerk. Pertinent to note here that the petitioner being appointed as Class-IV employee in the year 1983 completed five years of service in the year 1988, therefore, his eligibility to be considered for promotion to the post of Lower Division Clerk was to be examined in accordance with the Rules of 1957 after the year 1988. The petitioner being not possessing the qualification in accordance with Rule 12 of the Rules of 1957 in the year 1988 or subsequent thereto was rightly denied promotion by the respondents."

In view of the legal position discussed above this petition for writ stands dismissed. No order as to cost.

(GOVIND MATHUR),J.

jgoyal